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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/028,236

Applicant(s)

NAKAMURA ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17-27, 29-33 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 7-11, 14, 15, 17-27, 29-33, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) 4, 5, 12, 13 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/10/06 have been fully considered but they are not persuasive.

Applicant argues that the Examiner used hindsight to make the combination and motivation comes from applicant's own disclosure. Applicant further argues that it is not understood why someone of ordinary skill in the art would want to modify Stettner, in that the buy button 404 on the aforementioned figure 4 of Stettner which according to paragraph 50 of Stettner indicates the availability of enhanced content. Applicant questions what problem does Stettner have that is addressed somehow by Kaiser? How would Kaiser's teaching of a content integrator 1310 address any issues associated with Stettner's ability to direct the user to enhanced content. (page 36).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Further the Examiner notes that motivation to combine comes from Kaiser with respect to the discussion of figures 6a/b on column 10, lines 20-50 (as properly noted within the action) which discusses various methods to alert to the viewer the availability of additional information via visual highlights and other indicators. Kaiser provides an advantage by enabling any item to have linked information, by providing multiple actions, which may be preformed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20 recites the limitation "**A computer readable medium having the data structure of the identification information**" that is functional descriptive material (i.e. data structures). Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. The data structure does not define any structural and functional interrelationships between the data and other claimed aspects of the invention, which permit the data structure's functionality to be

realized. In contrast, a claimed **computer-readable medium encoded with a computer program executable by a processor** is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, which permit the computer programs functionality to be realized.

Alternatively, claim 20 seeks patent protection for a signal, which is not considered one of the four statutory classes of invention and therefore claim 20 is further considered to be non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-11, 16-19, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner (U.S. 2002/0104090) in view of Kaiser et al. "Kaiser" (U.S. 6,615,408).

Regarding Claim 1, Stettner discloses an information serving system (100 – figure 1) comprising: a broadcast module (106,108 – figure 1) having a broadcast unit (108 – figure 1) to broadcast information including at least video information (§ 23).

Stettner discloses provider 108 broadcasts programming content or "video information" to cable subscribers via network 134 (§ 24).

Stettner teaches, a reception module (152,154 – figure 1) having:

a receiver to receive the broadcasted broadcast information (§ 24).

Stettner discloses STB 152 receives programming content or television signal, and delivers the television signal to the subscriber's television set 154, so therefore STB 152 must have a receiver, such as a tuner, to receive a television signal from provider 108.

a producing unit to produce specification information indicative of the selected image component (§ 56-57). Stettner discloses the customer can select indicator 404 (§ 55) or "selected image component", which may be an indicator for more information regarding the shown product (§ 50). Once the customer selects to view more information about the product, the customer can be identified by reading/identifying the content of the uplink transmission from STB 152, as the uplink transmission can include the unique identification number of the STB 152 (§ 56). Further, the uplink transmission can include information to correlate the customer with the selected interactive advertisement or "selected image component" that was clicked, by using channel information in which the ad was displayed along with the time the ad was shown (§ 57). Therefore, STB 152 or "receiving module" must comprise a producing unit in order to transmit specification information indicative of the selected indicator 404 or "selected image component" to merchant 122 via local studio 106.

a transmitter (156 – figure 1) to transmit the produced specification information (§ 56). STB 152 or “receiving module” comprises modem 156, which is used to transmit the produced specification information to local studio 106. Stettner further discloses merchant 122 or “information serving module” registers with local studio 106 or “broadcast module”. This registration facilitates local studio to provide advertisements on behalf of merchant 122 and to subsequently correlate customer responses to the interactive advertisements to the merchant 122 (§ 33). Therefore, STB 152 or “receiving module” has a transmitter (156 – figure 1) to transmit customer responses or “produced specification information”.

a presenting unit (154 – figure 4) to receive incoming component information and present the received component information (§ 29). Stettner discloses TV 154 or “presenting unit” receives requested television programming via STB 152 as shown in figure 4. TV 154 can also be used to present web pages that present more information or “received component information” on the selected image.

Stettner teaches, an information serving module (122 – figure 1) having: an acquiring unit to acquire the incoming specification information (§ 33). Stettner discloses in figure 1, the dashed line designates local studio 106 can notify merchant 122 or “information serving module” of customer responses or “specification information” to interactive advertisements with the notification capable of being sent via PSTN 132 or other communication network/medium. So therefore, merchant 122 or “information serving module” must comprise an acquiring unit in order to facilitate receiving customer

responses or "incoming specification information" from local studio 106 or "broadcast module".

Stettner further discloses an information serving module (122 – figure 1) having: a transmitter to transmit to the reception module (152 – figure 1) the component information indicative of the image component indicated by the acquired specification information (§ 61). Stettner discloses merchant 122 can receive a template that contains fields of information related to customer's contact information and description of requested items or "specification information". Further, the merchant 122 can respond to the customer who requested more information by sending an email to the customer.

However, Stettner fails to explicitly disclose receiving module (152 – figure 1) having a selector to select an image component composing an image consisting of the video information included in the received broadcast information or the selector selecting at least any one of static and dynamic image components.

In an analogous art, Kaiser discloses a receiving module (1300 – figure 3) having a selector (1310 – figure 3) to select an image component composing an image consisting of the video information included in the received broadcast information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or "selector" receives an ASI indication 1360 from ASI interpreter 1320 and the ASI indication 1360 is visually represented on the user's display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50). Car 6100 is considered to be a dynamic image component.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stettner with Kaiser in order to include a selector to select an image component composing an image consisting of the video information included in the received broadcast information for the benefit of providing a visual indication to a user that allows the user to easily recognize that more information is available for a product shown within the programming.

As for Claim 2, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the broadcast unit (108 – figure 1) included in the broadcast module (106, 108 – figure 1) is configured to include identification information to identify the image component into the broadcast information and broadcast the broadcast information with the identification information therein (§ 23). Stettner discloses cable service provider 108 or “broadcast unit” is capable of inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

Stettner and Kaiser disclose, in particular Stettner teaches, the producing unit included in the reception module is configured to produce, as the specification information, the identification information broadcasted correspondingly to the selected image component (§ 57). Stettner discloses a customer can be correlated to the selected component by the time in which the interactive advertisement 402 was displayed.

As for Claim 3, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the information serving module (122 – figure 1) further includes a transmitter to transmit the identification information to the broadcast module (106,108 – figure 1) (§ 32-33).

Stettner and Kaiser disclose, in particular Stettner teaches, the broadcast unit (108 – figure 1) included in the broadcast module (106,108 – figure 1) is configured to include the incoming identification information into the broadcast information and to transmit the broadcast information with the identification information included therein (§ 23). Stettner discloses cable service provider 108 or “broadcast unit” is capable of inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

As for Claim 8, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the producing unit of the reception module is configured to produce, as the specification information, a piece of specification information including at least information about time at which positional information indicative of a position of the image component in the image and the image including the image component are outputted (§ 50-51 and 57). Stettner discloses interactive advertisement 402 can include indicators 404 that indicate the availability of enhanced content. Further, activation of the indicator 404 initiates a command to the STB 152 to request more information. STB

152 composes an uplink transmission and sends a request for information to provider 108. The request for information can include a customer identifier and the time when the indicator 404 or "image component" was selected (§ 57). Therefore, Stettner teaches the producing unit of the reception module (152 – figure 1) produces specification information that includes the time and position information of the image component as STB 152 transmits in the uplink transmission the customer identifier and the time when the indicator 404 or "image component" was selected.

Regarding Claim 9, Stettner discloses, an information serving system (100 – figure 1) comprising: a broadcast module (106,108 – figure 1) having broadcast means (108 – figure 1) for broadcasting broadcast information including at least video information (§ 23). Stettner discloses provider 108 broadcasts programming content or "video information" to cable subscribers via network 134 (§ 24).

Stettner teaches, a reception module (152 – figure 1) having:

reception means for receiving the broadcasted broadcast information, (§ 24). Stettner discloses STB 152 receives programming content or television signal, and delivers the television signal to the subscriber's television set 154, so therefore STB 152 must have a receiver, such as a tuner, to receive a television signal from provider 108.

production means for producing specification information indicative of the selected image component (§ 56-57). Stettner discloses the customer can select indicator 404 (§ 55) or "selected image component", which may be an indicator for more

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information regarding the shown product (§ 50). Once the customer selects to view more information about the product, the customer can be identified by reading/identifying the content of the uplink transmission from STB 152, as the uplink transmission can include the unique identification number of the STB 152 (§ 56). Further, the uplink transmission can include information to correlate the customer with the selected interactive advertisement or "selected image component" that was clicked, by using channel information in which the ad was displayed along with the time the ad was shown (§ 57). Therefore, STB 152 or "receiving module" must comprise a producing unit in order to transmit specification information indicative of the selected indicator 404 or "selected image component" to merchant 122 via local studio 106.

transmission means (156 – figure 1) for transmitting the produced specification information (§ 56). STB 152 or "receiving module" comprises modem 156, which is used to transmit the produced specification information to local studio 106. Stettner further discloses merchant 122 or "information serving module" registers with local studio 106 or "broadcast module". This registration facilitates local studio to provide advertisements on behalf of merchant 122 and to subsequently correlate customer responses to the interactive advertisements to the merchant 122 (§ 33). Therefore, STB 152 or "receiving module" has a transmitter (156 – figure 1) to transmit customer responses or "produced specification information".

and presentation means for receiving incoming component information and presenting the receiving component information (§ 29). Stettner discloses TV 154 or "presenting unit" receives requested television programming via STB 152 as shown in

figure 4. TV 154 can also be used to present web pages that present more information or "received component information" on the selected image.

Stettner discloses, an information serving module (122 – figure 1) having acquisition means for acquiring the incoming specification information (§ 33). Stettner discloses in figure 1, the dashed line designates local studio 106 can notify merchant 122 or "information serving module" of customer responses or "specification information" to interactive advertisements with the notification capable of being sent via PSTN 132 or other communication network/medium. So therefore, merchant 122 or "information serving module" must comprise an acquiring unit in order to facilitate receiving customer responses or "incoming specification information" from local studio 106 or "broadcast module".

Stettner further teaches, an information serving module having transmission means for transmitting to the reception module (152 – figure 1) the component information indicative of the image component indicated by the acquired specification information (§ 61). Stettner discloses merchant 122 can receive a template that contains fields of information related to customer's contact information and description of requested items or "specification information". Further, the merchant 122 can respond to the customer who requested more information by sending an email to the customer.

However, Stettner fails to explicitly disclose receiving module (152 – figure 1) having selection means for selecting an image component composing an image

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consisting of the video information included in the received broadcast information or the selector selecting at least any one of static and dynamic image components.

In an analogous art, Kaiser discloses a receiving module (1300 – figure 3) having a selector (1310 – figure 3) to select an image component composing an image consisting of the video information included in the received broadcast information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or “selector” receives an ASI indication 1360 from ASI interpreter 1320 and the ASI indication 1360 is visually represented on the user’s display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50). Car 6100 is considered to be a dynamic image component.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stettner with Kaiser in order to include a selector to select an image component composing an image consisting of the video information included in the received broadcast information for the benefit of providing a visual indication to a user that allows the user to easily recognize that more information is available for a product shown within the programming.

As for Claim 10, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the broadcast means (108 – figure 1) included in the broadcast module (106, 108 – figure 1) is configured to include identification information to identify the image component into the broadcast information and broadcast the broadcast

information with the identification information therein (§ 23). Stettner discloses cable service provider 108 or “broadcast unit” is capable of inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

Stettner and Kaiser disclose, in particular Stettner teaches, the production means included in the reception module (152 – figure 1) is configured to produce, as the specification information, the identification information broadcasted correspondingly to the selected image component (§ 57). Stettner discloses a customer can be correlated to the selected component by the time in which the interactive advertisement 402 was displayed.

As for Claim 11, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the information serving module (122 – figure 1) further includes transmission means for transmitting the identification information to the broadcast module (106,108 – figure 1) (§ 32 -33).

Stettner and Kaiser disclose, in particular Stettner teaches, the broadcast means (108 – figure 1) included in the broadcast module (106,108 – figure 1) is configured to include the incoming identification information into the broadcast information and to transmit the broadcast information with the identification information included therein (§ 23). Stettner discloses cable service provider 108 or “broadcast unit” is capable of

inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

Considering Claims 16, the claimed elements of an information serving module included in the information serving system comprising: the acquisition means; and the transmission means, corresponds with subject matter mentioned above in the rejection of claim 9, and is likewise treated.

As for Claim 17, Stettner and Kaiser disclose, in particular Stettner teaches, a reception method carried out by the reception module (152 – figure 1) included in the information serving system (100 – figure 1), comprising the steps of: receiving broadcast information that has been broadcasted (§ 24). Stettner discloses STB 152 receives programming content or television signal, and delivers the television signal to the subscriber's television set 154.

Stettner and Kaiser disclose, in particular Kaiser teaches, selecting an image component composing an image corresponding to video information included in the received broadcast information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or “selector” receives an ASI indication 1360 from ASI interpreter 1320 and the ASI indication 1360 is visually represented on the user's display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50).

Stettner and Kaiser disclose, in particular Stettner teaches, producing specification information indicative of the selected image component (§§ 56-57). Stettner discloses the customer can select indicator 404 (§§ 55) or "selected image component", which may be an indicator for more information regarding the shown product (§§ 50). Once the customer selects to view more information about the product, the customer can be identified by reading/identifying the content of the uplink transmission from STB 152, as the uplink transmission can include the unique identification number of the STB 152 (§§ 56). Further, the uplink transmission can include information to correlate the customer with the selected interactive advertisement or "selected image component" that was clicked, by using channel information in which the ad was displayed along with the time the ad was shown (§§ 57).

Stettner and Kaiser disclose, in particular Stettner teaches, transmitting the produced specification information (§§ 56). STB 152 or "receiving module" comprises modem 156, which is used to transmit the produced specification information to local studio 106. Stettner further discloses merchant 122 or "information serving module" registers with local studio 106 or "broadcast module". This registration facilitates local studio to provide advertisements on behalf of merchant 122 and to subsequently correlate customer responses to the interactive advertisements to the merchant 122 (§§ 33).

Stettner and Kaiser disclose, in particular Stettner teaches, receiving and presenting the incoming component information (§§ 29). Stettner discloses TV 154 or "presenting unit" receives requested television programming via STB 152 as shown in

figure 4. TV 154 can also be used to present web pages that present more information or "received component information" on the selected image.

As for Claim 18, Stettner and Kaiser disclose, in particular Stettner teaches, a broadcast method carried out by the broadcast module (106,108 - figure 1) included in the information serving system (100 – figure 1), comprising the step of broadcasting the broadcast information in which the identification information to identify the image component is included (§ 23). Stettner discloses cable service provider 108 or "broadcast unit" is capable of inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

As for Claim 19, Stettner and Kaiser disclose, in particular Stettner teaches, an information serving method carried out by the information serving module (122 – figure 1) included in the information serving system (100 – figure 1), comprising the step of: acquiring the incoming specification information (§ 33). Stettner discloses in figure 1, the dashed line designates local studio 106 can notify merchant 122 or "information serving module" of customer responses or "specification information" to interactive advertisements with the notification capable of being sent via PSTN 132 or other communication network/medium. So therefore, merchant 122 or "information serving

module" must acquire customer responses or "incoming specification information" from local studio 106 or "broadcast module".

Stettner and Kaiser further disclose, in particular Stettner teaches, an information serving method carried out by the information serving module (122 – figure 1) included in the information serving system (100 – figure 1), comprising the step of: transmitting to the reception module (152 – figure 1) the component information indicative of the image component indicated by the acquired specification information (§ 61). Stettner discloses merchant 122 can receive a template that contains fields of information related to customer's contact information and description of requested items or "specification information". Further, the merchant 122 can respond to the customer who requested more information by sending an email to the customer.

As for Claim 33, Stettner and Kaiser disclose, in particular Stettner teaches, wherein the production means of the reception module (152 – figure 1) is configured to produce, as the specification information, a piece of specification information including at least information about time at which positional information indicative of a position of the image component in the image and the image including the image component are outputted (§ 50-51 and 57). Stettner discloses interactive advertisement 402 can include indicators 404 that indicate the availability of enhanced content. Further, activation of the indicator 404 initiates a command to the STB 152 to request more information. STB 152 composes an uplink transmission and sends a request for information to provider

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108. The request for information can include a customer identifier and the time when the indicator 404 or "image component" was selected (§ 57). Therefore, Stettner teaches the producing unit of the reception module (152 – figure 1) produces specification information that includes the time and position information of the image component as STB 152 transmits in the uplink transmission the customer identifier and the time when the indicator 404 or "image component" was selected.

As for Claim 37, the combination of Stettner and Kaiser disclose, in particular Stettner teaches, a reception method carried out by the reception module (152 – figure 1) included in the information serving system (100 – figure 1), comprising the steps of: receiving a piece of broadcast information that has been broadcast (§ 24). Stettner discloses STB 152 receives programming content or television signal, and delivers the television signal to the subscriber's television set 154.

Stettner and Kaiser disclose, in particular Kaiser teaches, selecting an image component composing an image corresponding to a piece of video information included in the received broadcast information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or "selector" receives an ASI indication 1360 from ASI interpreter 1320 and the ASI indication 1360 is visually represented on the user's display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50).

Stettner and Kaiser disclose, in particular Stettner teaches, producing a specification information specifying the selected image component, the specification

information including positional information indicative of a position of the image component in the image and time information at which the image including the image component is outputted (§ 56-57). Stettner discloses the local studio 106, the cable provider 108 are capable of inserting advertisements, along with additional information related to the advertisements, into the television signal that will be broadcasted. The additional information or "specification information" can include time of the broadcast of the advertisement and also must include information specifying the selected image component and positional information indicative of where the selected image component should be placed in relation to the screen. Figure 4 discloses an example of indicator 404 or "specified image component" which is positioned in the lower right hand corner of the screen. If the broadcast stream did not include this information then indicator 404 may interfere with other image components shown on TV 154.

Stettner and Kaiser disclose, in particular Stettner teaches, transmitting the produced specification information (§ 56). STB 152 or "receiving module" comprises modem 156, which is used to transmit the produced specification information to local studio 106. Stettner further discloses merchant 122 or "information serving module" registers with local studio 106 or "broadcast module". This registration facilitates local studio to provide advertisements on behalf of merchant 122 and to subsequently correlate customer responses to the interactive advertisements to the merchant 122 (§ 33).

Stettner and Kaiser disclose, in particular Stettner teaches, receiving and presenting a piece of component information that has come (§ 29). Stettner discloses

TV 154 or "presenting unit" receives requested television programming via STB 152 as shown in figure 4. TV 154 can also be used to present web pages that present more information or "received component information" on the selected image.

As for Claim 38, the combination of Stettner and Kaiser disclose, in particular Stettner teaches, an information serving method carried out by the information serving module (122 – figure 1) included in the information serving system (100 – figure 1), comprising the steps of: acquiring the specification information that has come (¶ 33). Stettner discloses in figure 1, the dashed line designates local studio 106 can notify merchant 122 or "information serving module" of customer responses or "specification information" to interactive advertisements with the notification capable of being sent via PSTN 132 or other communication network/medium. So therefore, merchant 122 or "information serving module" must comprise an acquiring unit in order to facilitate receiving customer responses or "incoming specification information" from local studio 106 or "broadcast module".

Stettner and Kaiser further disclose, in particular Stettner teaches, transmitting to the reception module the component information indicating the image component specified by the acquired specification information (¶ 61). Stettner discloses merchant 122 can receive a template that contains fields of information related to customer's contact information and description of requested items or "specification information".

Further, the merchant 122 can respond to the customer who requested more information by sending an email to the customer.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner in view of Kaiser as applied to claim 10 above, and further in view of Wistendahl et al. "Wistendahl" (U.S. 6,496,981).

As for Claim 14, Stettner and Kaiser disclose the elements of the information serving system comprising: the reception means; the selection means; the production means; the transmission means; and the presentation means, which corresponds with subject matter mentioned above in the rejection of claim 9, and is likewise treated.

Stettner and Kaiser disclose, in particular Stettner teaches, wherein the identification information includes component identifying information for identifying the image component (§ 23 and 50). Stettner discloses interactive advertisement comprises an indicator 404, which allows a user to buy the advertised product, or request additional information about the advertised product. For the indicator 404 to be present in the video signal, there must be information identifying the indicator 404 or "image component" that is transmitted in the broadcast signal.

Stettner and Kaiser disclose, in particular Stettner teaches, wherein the identification information includes date and time information indicative of a date and time on and at which the broadcast information including the image component is broadcasted (§ 23).

However, Stettner and Kaiser fail to disclose, wherein the identification information includes highlight information for highlight-displaying the image component in displaying the image component by the selection means included in the reception module and positional information indicative of a display position of the image component in the image composed of the image component.

In an analogous art, Wistendahl discloses, wherein the identification information includes highlight information for highlight-displaying the image component in displaying the image component by the selection means included in the reception module (Col. 6, lines 19-31).

Wistendahl further discloses, positional information indicative of a display position of the image component in the image composed of the image component (Col. 6, lines 43-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stettner and Kaiser with the teachings of Wistendahl in order for the identification information to include highlight information and positional information for the benefit of allowing the receiver to present interactive image components to a viewer by using identification information provided in the broadcast stream, which allows a viewer to identify the interactive image components and to interact.

The combination of Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, the selection means includes highlight display means for highlight-

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displaying the image component determined by the identification information, the date and time information, and the positional information (Col. 14, lines 22-55). Although Wistendahl does not disclose STB 32 receiving the date and time information as part of the received identification information, it would have been obvious that using an authoring system, this information could be included and transmitted in the broadcast stream as taught by Stettner. Further, Wistendahl does not explicitly disclose selection means, however STB 32 must have selection means in order to output a video image to TV 34 that comprises the video signal as well as image data that indicates the presence of interactive content as shown in figure 7A.

As for Claim 15, the combination of Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, wherein the selection means comprises specification means for specifying the image component highlight-displayed by disclosing STB 32 receives N data from server 30 which specifies the location of the interactive image component and includes data that defines the hot spot or "highlight area" for the interactive image component (Col. 5, line 66 – Col. 6, line 46). Wistendahl does not explicitly disclose selection means, however STB 32 must have selection means in order to output a video image to TV 34 that comprises the video signal as well as image data that indicates the presence of interactive content as shown in figure 7A.

Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, the production means is configured to produce, as the specification information, the

identification information broadcasted correspondingly to the specified image component (figure 7A; Col. 14, lines 22-55).

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner in view of Kaiser as applied to claim 8 above, and further in view of Wistendahl.

As for Claim 20, the combination of Stettner and Kaiser disclose, in particular Stettner teaches, a data structure of the identification information, wherein the identification information includes component identifying information for identifying the image component (§ 23 and 50). Stettner discloses interactive advertisement comprises an indicator 404, which allows a user to buy the advertised product, or request additional information about the advertised product. For the indicator 404 to be present in the video signal, there must be information identifying the indicator 404 or "image component" that is transmitted in the broadcast signal.

Stettner and Kaiser disclose, in particular Stettner teaches, wherein the identification information includes date and time information indicative of a date and time on and at which the broadcast information including the image component is broadcasted (§ 23).

However, Stettner and Kaiser fail to disclose wherein the identification information includes highlight information for highlight-displaying the image component in displaying the image component by the selection means included in the reception module and wherein the identification information includes positional information

indicative of a display position of the image component in the image composed of the image component.

In an analogous art, Wistendahl discloses, wherein the identification information includes highlight information for highlight-displaying the image component in displaying the image component by the selection means included in the reception module (Col. 6, lines 19-31).

Wistendahl further discloses, wherein the identification information includes positional information indicative of a display position of the image component in the image composed of the image component (Col. 6, lines 19-31).

Wistendahl further discloses, positional information indicative of a display position of the image component in the image composed of the image component (Col. 6, lines 43-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Stettner and Kaiser with the teachings of Wistendahl in order for the identification information to include highlight information and positional information for the benefit of allowing the receiver to present interactive image components to a viewer by using identification information provided in the broadcast stream, which allows a viewer to identify the interactive image components and to interact.

The combination of Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, the identification information additionally includes a piece of

section information indicative of a section in the broadcast information, the section information being added to each of the component identification information, the highlight information, the date and time information, and the positional information, immediately before and after thereof (Col. 14, lines 22-55). Although Wistendahl does not disclose STB 71 receiving the date and time information as part of the received identification information, it would have been obvious that using an authoring system, this information could be included and transmitted in the broadcast stream as taught by Stettner.

As for Claim 21, the combination of Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, acquiring the component identification information, the highlight information, the date and time information, and the positional information that correspond to the image component (Col. 10, lines 20-56). As shown in figure 3, server 30 or "broadcast module" typically receives N data or "identification information" from a third party such as an authoring workstation.

Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, producing the identification information by adding the section information to each of the acquired component identification information, the acquired highlight information, the acquired date and time information, and the acquired positional information, immediately before and after thereof (figure 3; Col. 7, lines 28-42).

Stettner, Kaiser, and Wistendahl disclose, in particular Wistendahl teaches, producing the broadcast information by combining the produced identification information with the video information based on a time-sharing manner (Col. 7, lines 42-65).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner in view of Kaiser as applied to claim 1 above, and further in view of Sako et al. "Sako" (U.S. 6,738,752).

As for Claim 7, Stettner and Kaiser fail to disclose wherein the broadcast module further comprises a fee processing unit to acquire and process a piece of incoming information about a fee payment for information service, and the information serving module further comprises a fee information transmitter to produce the fee payment information about payment of an information serving fee accompanying the transmitted component information when the transmitter transmits the component information to the reception module and to transmit the produced fee payment information to the broadcast module.

In an analogous art, Sako discloses wherein the broadcast module (35 – figure 6) further comprises a fee processing unit to acquire and process a piece of incoming information about a fee payment for information service (Col. 6, line 60 – Col. 7, line 2). Although Sako doesn't explicitly disclose a fee processing unit, content provider 35

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must have a processor in order to receive billing information from information distributing apparatus 1 or "information serving module".

Sako further discloses, the information serving module (1 – figure 6) further comprises a fee information transmitter (23 – figure 6) to produce the fee payment information about payment of an information serving fee accompanying the transmitted component information when the transmitter transmits the component information to the reception module (200 – figure 6) and to transmit the produced fee payment information to the broadcast module (35 – figure 6) (Col. 6, lines 20-31 and Col. 6, line 60 – Col. 7, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stettner and Kaiser with the teachings of Sako in order to facilitate producing billing information and sending the billing information to a broadcast module for the benefit of providing to a broadcaster an accurate record of requests for billing purposes.

7. Claims 22-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner in view of Kaiser as applied to claim 9 above, and further in view of Sako.

As for Claim 22, Stettner and Kaiser fail to disclose, wherein the broadcast module further comprises fee processing means for acquiring and processing a piece of incoming information about a fee payment for information service, and the information

serving module further comprises fee information transmitting means for producing the fee payment information about payment of an information serving fee accompanying the transmitted component information when the transmission means transmits the component information to the reception module and for transmitting the produced fee payment information to the broadcast module.

In an analogous art, Sako discloses wherein the broadcast module (35 – figure 6) further comprises fee processing means for acquiring and processing a piece of incoming information about a fee payment for information service (Col. 6, line 60 – Col. 7, line 2). Although Sako doesn't explicitly disclose a fee processing unit, content provider 35 must have a processor in order to receive billing information from information distributing apparatus 1 or "information serving module".

Sako further discloses, the information serving module (1 – figure 6) further comprises fee information transmitting means (23 – figure 6) for producing the fee payment information about payment of an information serving fee accompanying the transmitted component information when the transmission means transmits the component information to the reception module (200 – figure 6) and for transmitting the produced fee payment information to the broadcast module (35 – figure 6) (Col. 6, lines 20-31 and Col. 6, line 60 – Col. 7, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stettner and Kaiser with the teachings of Sako in order to facilitate producing billing information and sending the billing information to a

broadcast module for the benefit of providing to a broadcaster an accurate record of requests for billing purposes.

As for Claim 23, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, wherein the broadcast module (35 – figure 6) further comprises fee information acquiring means for acquiring a piece of incoming information about a fee for information serving transmitted from the information serving module (Col. 6, line 60 – Col. 7, line 2). Although not explicitly expressed by Sako, contents provider 35 must have a means to receive billing information from information distributing apparatus 1.

The combination of Stettner, Kaiser and Sako further disclose, in particular Sako teaches, the information serving module (1 – figure 6) further comprises further fee information transmitting means (47 – figure 6) for transmitting to the broadcast module (35 – figure 6) the fee information indicative of the information serving fee prior to transmitting the fee payment information, when the component information is transmitted to the reception module (200 – figure 6) (Col. 7, lines 53-63).

As for Claim 24, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, wherein the information serving fee is calculated in the information serving module (1 – figure 6) for every piece of component information on

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the basis of the number of times of supplying the component information (Col. 6, line 60 – Col. 7, line 2 and Col. 7, lines 53-63).

As for Claim 25, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, wherein the information serving fee is calculated in the information serving module for every piece of component information through addition of a predetermined basic fee to an amount obtained by multiplying a predetermined scale by the number of times (Col. 6, line 60 – Col. 7, line 2).

As for Claim 26, the combination of Stettner, Kaiser and Sako disclose, in particular Stettner teaches, wherein the broadcast means included in the broadcast module is configured to include a piece of identification information to identify the image component into the broadcast information so as to broadcast the broadcast information including the identification information (§ 23). Stettner discloses cable service provider 108 or “broadcast unit” is capable of inserting advertisements (and/or other information related to the advertisements, such as triggers, data to identify the merchant, time of broadcast of the advertisement, address of the merchant, etc.) into the television signal.

The combination of Stettner, Kaiser and Sako disclose, in particular Kaiser teaches, the selection means in the reception module is configured to select the image component using the broadcasted identification information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or “selector” receives an ASI indication 1360 from ASI

interpreter 1320 and the ASI indication 1360 is visually represented on the user's display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50).

The combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, the information serving fee is a fee which should be paid for broadcasting the broadcast information including the identification information (Col. 5, lines 6-13 and Col. 6, lines 6-32).

As for Claim 27, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, a broadcast module (35 – figure 6) included in the information serving system (100 – figure 6) comprising: the broadcast means; and the fee processing means (Col. 4, lines 45-66 and Col. 6, line 60 – Col. 7, line 2). Although not explicitly disclosed by Sako, contents provider 35 must comprise broadcast means in order to transmit contents data 6 to information distributing apparatus 1 and must comprise a fee processing means, in order to receive billing information from information distributing apparatus 1 or “information serving module”.

As for Claim 29, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, an information serving module (1 – figure 6) included in the information serving system (100 – figure 6), comprising: the acquisition means (25 – figure 6); the transmission means (25 – figure 6); and the fee information transmitting means (23 – figure 6).

As for Claim 30, the combination of Stettner, Kaiser and Sako disclose, in particular Stettner discloses, a reception method carried out by the reception module (152 – figure 1) included in the information serving system (100 – figure 1) comprising the steps of: receiving broadcast information that has been broadcasted (§ 24). Stettner discloses STB 152 receives programming content or television signal, and delivers the television signal to the subscriber's television set 154.

Stettner, Kaiser and Sako disclose, in particular Kaiser teaches, selecting an image component composing an image corresponding to video information included in the received broadcast information (Col. 8, lines 14-23). Kaiser discloses content integrator 1310 or “selector” receives an ASI indication 1360 from ASI interpreter 1320 and the ASI indication 1360 is visually represented on the user's display 1200 as car 6100 is highlighted 6500 which denotes the availability of additional product information (Col. 10, lines 20-50).

Stettner, Kaiser and Sako disclose, in particular Stettner teaches, producing specification information indicative of the selected image component (§ 56-57). Stettner discloses the customer can select indicator 404 (§ 55) or “selected image component”, which may be an indicator for more information regarding the shown product (§ 50). Once the customer selects to view more information about the product, the customer can be identified by reading/identifying the content of the uplink transmission from STB 152, as the uplink transmission can include the unique identification number of the STB

152 (¶ 56). Further, the uplink transmission can include information to correlate the customer with the selected interactive advertisement or “selected image component” that was clicked, by using channel information in which the ad was displayed along with the time the ad was shown (¶ 57).

Stettner, Kaiser and Sako disclose, in particular Stettner teaches, transmitting the produced specification information (¶ 56). STB 152 or “receiving module” comprises modem 156, which is used to transmit the produced specification information to local studio 106. Stettner further discloses merchant 122 or “information serving module” registers with local studio 106 or “broadcast module”. This registration facilitates local studio to provide advertisements on behalf of merchant 122 and to subsequently correlate customer responses to the interactive advertisements to the merchant 122 (¶ 33).

Stettner, Kaiser and Sako disclose, in particular Stettner teaches, receiving and presenting the incoming component information (¶ 29). Stettner discloses TV 154 or “presenting unit” receives requested television programming via STB 152 as shown in figure 4. TV 154 can also be used to present web pages that present more information or “received component information” on the selected image.

As for Claim 31, the combination of Stettner, Kaiser and Sako disclose, in particular Sako teaches, a broadcast method carried out by the broadcast module (35 –

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figure 6) included in the information serving system (100 – figure 6), comprising the steps of: broadcasting a piece of broadcast information (Col. 4, lines 45-66).

Stettner, Kaiser and Sako further disclose, in particular Sako teaches acquire a piece of information about a fee payment for information serving that has been come from an information serving module (Col. 6, line 60 – Col. 7, line 2).

As for Claim 32, Stettner, Kaiser and Sako disclose, in particular Stettner teaches, an information serving method carried out by the information serving module (122 – figure 1) included in the information serving system (100 – figure 1), comprising the steps of: acquiring a piece of specification information that has come (¶ 33). Stettner discloses in figure 1, the dashed line designates local studio 106 can notify merchant 122 or “information serving module” of customer responses or “specification information” to interactive advertisements with the notification capable of being sent via PSTN 132 or other communication network/medium. So therefore, merchant 122 or “information serving module” must comprise an acquiring unit in order to facilitate receiving customer responses or “incoming specification information” from local studio 106 or “broadcast module”.

Stettner, Kaiser and Sako further disclose, in particular Stettner teaches, transmitting to a reception module a piece of component information indicative of an image component determined by the acquired specification information (¶ 61). Stettner discloses merchant 122 can receive a template that contains fields of information

related to customer's contact information and description of requested items or "specification information". Further, the merchant 122 can respond to the customer who requested more information by sending an email to the customer.

Stettner, Kaiser and Sako disclose, in particular Sako teaches, and producing a piece of fee payment information about payment of an information serving fee accompanying the transmitted component information when the component information is transmitted to the reception module and transmitting the produced fee payment information to the broadcast module (Col. 5, lines 6-13, Col. 6, lines 6-32, and Col. 6, line 60 – Col. 7, line 2).

Allowable Subject Matter

8. Claims 4,5 12-13 and 39 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

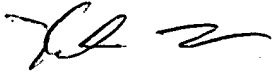
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HBL


Helen Longberry
Patent Examiner
ACTUARY 2023